

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
                                  )  
                                  )  
Plaintiff,                    )  
                                  )  
vs.                            ) Case No. 4:14 CR 175 AGF / DDN  
                                  )  
                                  )  
MARK PALMER, et al.,        )  
                                  )  
                                  )  
Defendants.                    )

**MEMORANDUM AND ORDER**

Defendants have previously filed various unopposed motions requesting an extension of time within which to file pretrial motions in these four related cases: United States v. Rao, 4:14CR0150 JAR/TCM; United States v. Sloan, 4:14:CR0152 RWS/NCC; United States v. Palmer, 4:14CR0175 AGF/DDN; and United States v. Tabatt, 4:14CR0187 JAR/DDN. An order was entered in each of the four above-listed cases requiring that all pretrial motions be filed by November 17, 2014. In each case, Defendants' motions to continue the time within which to file pretrial motions were granted,<sup>1</sup> but due to the uncertainty of when the Government would complete its production of discovery and to the volume of that discovery, a specific date by which Defendants had to file their pretrial motions was not set. Since the motions to continue were granted, the Court has twice met with counsel for Defendants and for the Government.<sup>2</sup> Because the Government has made progress in providing Defendants with discovery, the Court will set a deadline by which Defendants are to file (1) any motion to dismiss the indictments and (2) any motion that does *not* require testimony.

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<sup>1</sup>See Rao, 4:14CR0150 JAR/TCM [Doc. 142]; Sloan, 4:14:CR0152 RWS/NCC [Doc. 210]; Palmer, 4:14CR0175 AGF/DDN [Doc. 114]; and Tabatt, 4:14CR0187 JAR/DDN [Doc. 76].

<sup>2</sup>These conferences occurred on December 18, 2014, and January 8, 2015.

Also, a deadline by which Defendants must file any other motion that possibly might require an evidentiary hearing will be set at a later date.

Accordingly, for the reasons set forth in the previous motions to continue time to file motions and the Court's previous orders, the Court finds that to deny Defendants' request for additional time would deny counsel for Defendants the reasonable time necessary for an effective investigation and preparation of pretrial motions, taking into account the exercise of due diligence, see 18 U.S.C. § 3161(h)(7)(B)(iv), and that the ends of justice served by granting Defendants' requests for additional time outweigh the best interest of the public and Defendant in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A). Therefore, the time granted to Defendants to investigate and prepare pretrial motions, or a waiver thereof, is excluded from computation of Defendants' rights to a speedy trial pursuant to 18 U.S.C. § 3161(h)(7)(A).

Accordingly,

**IT IS HEREBY ORDERED** that Defendants shall have up to and including **May 1, 2015**, to file any (1) motions to dismiss the indictment and (2) motions that do not require testimony. The Government shall have up to and including **June 12, 2015**, by which to file its response.

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/S/ David D. Noce  
**UNITED STATES MAGISTRATE JUDGE**

Signed on January 12, 2015.